IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 744 OF 2007

Vikas Bajarang Gawali & Ors.... ....Petitioners.
V/s
Tukaram Bhiku Pisal.. ....Respondent.

Mr.Sugandh Deshmukh, Adv. For the petitioners.

Mr.Umesh Mankapure, Adv. For the respondent.

CORAM: A.P.DESHPANDE, J.
3/7/07

PC:

The present petitioners are original defendants against whom the respondent instituted a suit for perpetual injunction. The trial Court has allowed the application filed by the respondent claiming temporary injunction after recording the findings that the respondent has made out prima facie case. The subject matter of the suit is agricultural land. The sale deed under which the present petitioners claim the suit property refer to Survey No.246/2 and both the Courts below have prima facie held that the property described in the sale deed of the present petitioners resemble with the Survey No.246/2, having regard to the area of land involved. The First Appellate Court has concurring with the view taken by the trial Court, dismissed the miscellaneous civil appeal and confirmed the order passed by the trial Court. The order of

temporary injunction is operating in favour of the respondent since more than last two years. Perused the impugned order. The same does not call for interference in exercise of writ jurisdiction as the Courts below have taken possible view of the matter. In my view, ends of justice would be met by directing expeditious disposal of the suit as the suit is pending since 2005. In the result writ petition is summarily dismissed. I direct the trial Court to decide the Suit as expeditiously as possible preferably within a period of six months from today uninfluenced by observations made while disposing of the temporary injunction application.

3.7.07